

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Glass Dimensions, Inc. on behalf of the** )  
**Glass Dimensions, Inc. Profit Sharing** )  
**Plan and Trust, and all others** )  
***similarly situated,*** )

Plaintiffs, )

v. )

**State Street Corporation, State Street** )  
**Bank and Trust Co.,** )  
**and State Street Global Advisors,** )

Defendants. )

**CIVIL ACTION NO: 1:10-CV-10588 (JLT)**

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT WITH RESPECT TO  
COLLECTIVE TRUST FUNDS PLAINTIFF DID NOT PURCHASE**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants State Street Corporation and State Street Bank and Trust Company (together with its State Street Global Advisors division) ("Defendants") respectfully move this Court for Summary Judgment on Plaintiff's claims against them with respect to collective trust funds that the Glass Dimensions, Inc. Profit Sharing Plan and Trust did not purchase.

As set forth in the Memorandum of Law, the Statement of Undisputed Material Facts pursuant to Local Rule 56.1, and the Declarations of Michael J. Hebert and Lori A. Martin filed in support, Defendants' Motion should be granted because Plaintiff does not have Article III standing to assert claims challenging the reasonableness of State Street's compensation for providing securities lending services to funds that the Glass Dimensions, Inc. Profit Sharing Plan and Trust did not own.

WHEREFORE, for the reasons set forth more fully in Defendant's Memorandum of Law and Rule 56.1 Statement, Defendants respectfully request that the Court enter summary judgment that Plaintiff lacks standing to pursue claims relating to funds that were not purchased by the Glass Dimensions, Inc. Profit Sharing Plan and Trust.

### **REQUEST FOR ORAL ARGUMENT**

Defendants believe that oral argument may assist the Court in deciding the issues presented by this Motion. Defendants accordingly request a hearing pursuant to Local Rule 7.1(d).

Dated: June 17, 2011

Respectfully submitted,

/s/ Lori A. Martin

Lori A. Martin (*pro hac vice*)

Brad E. Konstandt (*pro hac vice*)

WILMER CUTLER PICKERING

HALE AND DORR LLP

399 Park Avenue

New York, NY 10022

Telephone: (212) 230-8800

Facsimile: (212) 230-8888

lori.martin@wilmerhale.com

Jeffrey B. Rudman (BBO #433380)

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

jeffrey.rudman@wilmerhale.com

*Counsel for Defendants State Street  
Corporation and State Street Bank & Trust  
Company (including its division State Street  
Global Advisors)*

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that I have conferred with opposing counsel and have attempted in good faith, but without success, to resolve or narrow the issues presented in the motion.

/s/ Lori A. Martin

Lori A. Martin

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2011, I caused a copy of this Document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Brad E. Konstandt

Brad E. Konstandt